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EV 183 648955

PATENT

Om #10 3/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Commins, Alfred D; Gregg, Robert C. ; Leek, William F. ; Colonias, Karen W. ; and Linn, Arthur R.

Application No.: 09/922,581 Group No.: 3637
Filed: August 3, 2001 Examiner: Winnie S. Yip
For: Building Wall for Resisting Lateral Forces

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INFORMATION DISCLOSURE STATEMENT

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List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Concise Explanation of Non-English Language Listed Information Items
5. Translation(s) of Non-English Language Documents
6. Concise Explanation of English Language Listed Information Items (Optional)
7. Identification of Person(s) Making This Information Disclosure Statement

Section 1. Preliminary statements

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Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

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Section 2. Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)

(Insert form(s) PTO/SB/08A [Form 6-2] and/or form(s) PTO/SB/08B [Form 6-2.1].)

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Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

Section 4. Concise Explanation of Non-English Language List Information Items

JP 3-208936, Okabe, M., Published: September 12, 1991

According to the translation available to the Applicant, this published application relates to the construction of "frame-built houses, wherein a structural body is built using columns, beams, etc., and panels are mounted to the structural body." Section 3. Detailed Explanation of the Invention [Prior Art].

The application describes the prior art which teaches that in so called "frame-built houses a steel outer frame *a* fitted with diagonal braces *b* to form a so-called load-bearing panel C (shown in FIG. 4) has typically been used to increase the durability and strength of the house." Section 3. Detailed Explanation of the Invention [Prior Art].

The subject matter of JP 3-208936 is an improved wall panel or load-bearing panel for such a frame-built house. The wall panel of this application comprises "long upper and lower members joined by vertical members". Additionally, the wall panel "is furnished with a framework having a reinforcing section comprising parallel middle members connected to said upper and lower members and braces connected diagonally between said middle members." Section 3. Detailed Explanation of the Invention [Means of Solving the Problems].

It appears that great importance is also placed on the wall panel additionally being provided with "fittings for coupling with the structural body of a house." See claim 1. These fittings are disposed on the upper and lower members of the wall panel. The fittings are positioned "in the vicinity of where the ends of said middle members are connected and at positions removed from said ends in directions away from the reinforcing section." Section 3. Detailed Explanation of the Invention [Means of Solving the Problems].

The above-mentioned pairs of fittings can be used in the alternative, depending on whether the wall is located on the lowest level of the house or an upper level. See Section 3. Detailed Explanation of the Invention [Working Examples].

The wall panel is also provided with "the same kind of fittings 23, 24 ... on the top and bottom of [the] vertical members 4, 4 and joint member 17." See Section 3. Detailed Explanation of the Invention [Working Examples].

The wall panel is also provided with "face members 14, 15 ... on the front and back of vertical members 4, 4, middle members 5, 5 and joint members 16, 17 with wooden lining members 19, which are relatively thin and long in the vertical direction disposed in-between."

Swiss 419,526, Biggi, Erberto

According to the translation, Biggi '526 teaches a method of constructing the walls of a building from prefabricated panel units. The panel units are installed side-by-side. The panel units consist of a two panels sandwiching strips placed near the edges of the panels. The panels are attached to each other by means of L-shaped metal tracks at their base, and U-shaped tracks along the tops of the panel units.

The panels share similar structural characteristics to the shear-resisting assembly of the present invention.

Japan 09 273214 A, Shimzu Construction Co.

This reference appears to teach inserting a designated shear-resisting assembly into a building wall.

Section 4. (Contintued) Concise Explanation of Non-English Language List Information Items

Japan 09 256738 A, J Kenchiku System KK.

This reference appears to teach inserting a designated shear-resisting assembly into a building wall constructed from horizontal top and bottom plates and vertically arranged studs.

Japan 10 140653 A, Okawa, T.

The panels of this patent appear to share similar structural characteristics to the shear-resisting assembly of the present invention, and appear to be designed to resist lateral loading, although it appears that this is a method for constructing an entire wall out of such panels, rather than inserting such panels into selected portions of the wall built from elongated members.

Japan 10 184076, NKK Corp

This reference appears to teach inserting a designated shear-resisting assembly into a building made from posts or pillars and beams.

Section 5. Translation(s) of Non-English Language Documents

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Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

Swiss 419,526, Biggi, Erberto, published March 15, 1967- full translation
Japan 09 273217 A, Shimzu Construction Company Co., published October 21, 1997- Derwent Abstract
Japan 09 256738 A, J Kanchiku System KK, published September 30, 1997- Derwent Abstract
Japan 09 140653 A, Okawa, T., published May 26, 1998- Derwent Abstract
Japan 09 184076 A, NKK Corp., published July 14, 1998-Derwent Abstract
Japan 3 208936, Okabe, M., published September 12, 1991- full translation

Section 6. Concise Explanation of English Language Listed Information Items

U.S. Patent Application 08/873,972 for a "Diaphragm with Perimeter Edging on Structural Panels" is related to the pending patent application. The boundary edging members that form part of the connection in claims in the present application also forms part of the connection claimed in 08/873,972 are Alfred D. Commins and Robert C. Gregg.

Provisional Specification, PT BRACE. Author: Paul Polikapo Tongiatama. Date: June 28, 1994

This document is believed to be the provisional specification filed by Mr. Tongiatama that became Australian Provisional Application No. PM 6487. See the published Australian non-provisional application, AU-A-23306/95, filed by Mr. Tongiatama.

"Concise Drafting Service" — Various letters, drawings and a brochure from Roll Form Industries PTY LTD.

These letters from Paul Tongiatama, E. La Monaca, and J. House, along with the accompanying drawings and the brochure from Roll Form Industries were found by the Applicants' attorney in the file wrapper of U.S. Patent No. 5,664,388.

Applicants are including this reference because the examiner may feel it is relevant. Applicants citation of this reference should not be taken as an admission that it is prior art.

C. H. Utzman, Provisional Patent Application, Shear Panel Joint

A draft of this application was viewed by the inventor Alfred D. Commins prior to the filing of the present application. At the time Alfred D. Commins was told that the draft he reviewed had been filed with the United States Patent Office as a provisional utility application. The applicants' attorney has viewed the issued patent 5,870,870 and has compared it to the draft reviewed by Alfred D. Commins. The two are substantially similar with added material appearing in the non-provisional application that issued as United States Patent number 5,870,870.

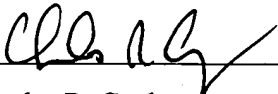
Applicants are including this reference because the examiner may feel it is relevant. Applicants citation of this reference should not be taken as an admission that it is prior art.

Section 7. Identification of Person Making This Information Disclosure Statement

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

Date: January 22, 2003



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